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SUBJECT: Election Observers Arrested, Convicted

Classified by Ambassador George Krol for Reasons 1.4 (B,D)

¶1. (SBU) Summary: Minsk police on October 29 raided a conference held by Belarus' largest election observation group Partnership and detained 60 participants. Most were released after documentation checks but four senior members were charged and convicted of organizing an illegal gathering. The director, deputy director, and a staff lawyer received 15 days in jail and another staff lawyer was fined. Poloff was present at the deputy director's hearing, which did not provide any material evidence proving the deputy director was the organizer of the conference or that the conference itself was illegal. The witnesses testifying against the deputy director gave poor testimony and contradictory statements, but apparently it was enough for a conviction. End Summary.

¶2. (C) On October 29, Minsk police interrupted a conference held by the NGO Partnership at the Central movie theater in Minsk and detained all 60 participants. Partnership, an independent civil initiative group funded by the National Democratic Institute (NDI) focuses on election monitoring and exit polling in Belarus. The conference titled the Association of Independent Election Observers was Partnership's first national conference in two years and convened to choose new board members. Forty minutes into the conference, police entered the room, declared it an illegal gathering, and hauled all the participants to the Moskovsky police station for document verification and questioning. However, the group continued their meeting during their six-hour detainment and successfully elected a new board of directors. Most participants were released by 18:00.

¶3. (SBU) Director of Partnership Nikolai Astreiko, his deputy Enira Bronitskaya, and two staff lawyers Aleksandr Bondarev and Svetlana Konnova were charged for organizing an unsanctioned rally and all but Konnova were held in jail until their October 31 court appearance. Poloff attended the hearing against Bronitskaya, who pleaded 'not guilty' of organizing the conference and told the judge that the conference was not an illegal gathering and did not require permission from the regional executive committee. Judge Gusakova asked Bronitskaya who planned the conference, how she knew of it, why she attended, who participated, etc., to which Bronitskaya pleaded ignorance or a bad memory.

¶4. (SBU) Human rights lawyer Vera Stremkovskaya represented Bronitskaya and protested Bronitskaya's harsh detainment, particularly the authorities' disregard for her ulcers and failure to provide Bronitskaya with the proper diet and medical care. Before the trial began on October 31, the authorities called an ambulance to take Bronitskaya to a hospital where a doctor declared her healthy enough to remain in jail. Stremkovskaya argued that the doctor had

not visited the jail nor knew of its conditions and therefore was not qualified to make such a conclusion. [Note: It was evident from Bronitskaya's appearance in the courtroom that she had spent the last 48 hours in jail. She was filthy from head to toe and looked like she had not slept that entire time.]

¶15. (SBU) A young OMON (riot police) officer testified that he and his OMON unit observed the conference at the Central movie theater for 15 minutes before raiding the meeting. However, he was unable to give a reason why they arrested Bronitskaya as an organizer. The police colonel in charge of the raid testified that he arrested Bronitskaya because she was sitting at the head of the table with copies of the conference's agenda and mission statement Q documents that proved she was an organizer. During Stremkovskaya's questioning, the colonel admitted that Bronitskaya's signature was not on any of the documents and that every participant had a copy of the conference's agenda with them. The colonel then told the judge that he decided the conference was an illegal mass gathering because he saw a banner that said 'Partnership' in the room [Comment: The judge at times chuckled at the colonel's reasoning and the colonel's arrogant behavior, which was the highlight of the proceedings.]

¶16. (SBU) Astreiko was the next to testify and admitted he was in charge of inviting participants and putting documents in order. He too, however, denied being the event's organizer and often pleaded 'no comment' or ignorance to the judge's questions. He noted that Partnership made arrangements in advance with the movie theater to use one of its halls and paid a flat fee of USD ¶465. Astreiko claimed that the movie hall did not ask Partnership for proof of registration or permission from the regional executive committee before renting out the space.

¶17. (SBU) The Central movie theater director testified against Partnership and claimed Bronitskaya was the organizer who paid for the movie theater by buying out all the conference hall's movie tickets and not paying a flat fee. [Comment: The question surrounding the method of payment and rent of the space was irrelevant to the proceedings, but the judge kept pushing the issue. The conference hall is actually a large movie theater with a stage in front of the screen. To rent the facilities one can buy out all the tickets or pay a flat fee.] Astreiko claimed to have a receipt proving that Partnership paid a flat fee, but the judge would not allow Astreiko to retrieve it from his apartment. The director claimed that she had asked from Partnership its registration papers and permission from the regional executive committee, but Partnership told her that it was not needed.

¶18. (SBU) The director noted that she would not have allowed Partnership to use the conference space if she had known it was a political meeting. During Stremkovskaya's questioning, the director, even though she directly accused Bronitskaya of organizing the event, admitted she was not present when Partnership made the arrangements with the theater. Therefore, she was not in the place to accuse anyone of organizing the event. Secondly, the director noted that the theater often rents out its space for conferences and meetings and gave an example of a Belarusian State University (BSU) student conference that recently took place. Stremkovskaya asked the director if BSU had permission from the regional executive committee to hold the meeting. The director, stuttering, said no.

¶19. (SBU) Stremkovskaya's pointed out the necessity of the court to determine the legality of the meeting before convicting Bronitskaya of organizing an illegal event. She noted the double standards in which organizations, other than Partnership, are allowed to hold meetings at the theater without the regional executive committee's permission and the lack of reason behind the police interference and Bronitskaya's arrest. However,

Bronitskaya was found guilty and sentenced to 15 days in jail. Later in the day, Astreiko and Bondarev received the same punishment and Konnova was fined USD 270 dollars.

¶10. (C) Comment: No doubt, Bronitskaya and her associates were the conference organizers. However, the trail ended up being a case of 'he said Q she said' with no evidence proving wrongdoing on the part of Partnership. It was the colonel's idiotic testimony and the director's contradictory statements that gave the judge enough "evidence" to convict Bronitskaya. The judge, also acting as the prosecutor, focused many of her questions on Partnership's organization and structure rather than on whether Bronitskaya was an organizer.

¶11. (C) Comment Cont'd: The purpose of Partnership's conference was reportedly to fulfill the Ministry of Justice's requirement to hold such a conference prior to legal registration. The raid on Partnership appears to have been a planned event from the beginning. It is doubtful that a crowd of people gathering at a movie theater on a Saturday would arise the curiosity of a passing policeman. According to Astreiko, the BKGB, not the police, raided the meeting, which was videotaped by the organization, but the video was confiscated and not presented in court. Acting as the largest independent election observation group in Belarus, Partnership can expect more harassment from the authorities as the presidential election approaches.

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